

P28648



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PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : M. OZAKI et al.

**Mail Stop PCT**

**Confirmation No.7441**

Appl. No. : 10/553,601  
(National Stage of PCT/JP2004/005818)

I. A. Filed : 04 November 2004

For : CELL STIMULATING DEVICE AND CELL STIMULATING METHOD

### COVER LETTER

**Mail Stop PCT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop PCT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In order to comply with the Notification of Defective Response (copy enclosed) for the submission of an executed Declaration as set forth in the Notification mailed February 22, 2008 which sets a one month period of response until March 24, 2008 (March 22, 2008 being on a Saturday), Applicants hereby submit:


- Preliminary Amendment;
- CD-ROM containing the Sequence Listing in computer readable format;
- Paper copy of the Sequence Listing (2 pages);
- Statement to Support Filing of Sequence Listing in accordance with 37 C.F.R. 1.821-

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

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Should the Examiner have any questions, he is invited to contact the undersigned at the below-listed number.

Respectfully submitted,  
M. OZAKI et al.

  
Bruce H. Bernstein  
Reg. No. 29,027 42,920

March 24, 2008  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,601	Miwako Ozaki	P28648

7055

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INTERNATIONAL APPLICATION NO.	
PCT/JP04/05818	
IA FILING DATE	PRIORITY DATE
04/22/2004	04/22/2003

RECEIVED

FEB 22 2008

CONFIRMATION NO. 7441  
371 FORMALITIES LETTER



Date Mailed: 02/22/2008

GREENBLUM & BERNSTEIN PLC

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 10/18/2005
- English Translation of the IA filed on 07/23/2007
- Copy of the International Search Report filed on 10/18/2005
- Copy of IPE Report filed on 10/18/2005
- Preliminary Amendments filed on 07/23/2007
- Information Disclosure Statements filed on 09/11/2007
- Oath or Declaration filed on 07/23/2007
- Request for Immediate Examination filed on 10/18/2005
- U.S. Basic National Fees filed on 10/18/2005
- Priority Documents filed on 10/18/2005
- Specification filed on 10/18/2005
- Claims filed on 10/18/2005
- Abstracts filed on 10/18/2005
- Drawings filed on 10/18/2005

Applicant's response filed 09/11/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/22/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - The spelling of the second inventor's first name on the declaration doesn't correspond with the spelling on the published application.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8,

2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

WINSTON M ALVARADO

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